

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY KOOPMANN, TIMOTHY KIDD and
VICTOR PIRNIK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V., FCA
US, LLC, ROLAND ISELI AND ALESSANDRO
BALDI, AS CO-EXECUTORS FOR THE
ESTATE OF SERGIO MARCHIONNE, SCOTT
KUNSELMAN, MICHAEL DAHL, STEVE
MAZURE, and ROBERT E. LEE,

Defendants.

No. 15 Civ. 7199 (JMF)

**DECLARATION OF JONATHAN M. SEDLAK
IN SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO EXCLUDE THE TESTIMONY OF NICK MOLDEN**

I, Jonathan M. Sedlak, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and am special counsel at the law firm of Sullivan & Cromwell LLP, counsel for Defendants in the above-captioned action.
2. I respectfully submit this Declaration to provide the Court with certain materials cited in Defendants' Memorandum in Opposition to Plaintiffs' Motion to Exclude the Testimony of Nick Molden.
3. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Dr. Axel Friedrich, dated August 15, 2018.
4. Attached hereto as Exhibit 2 is a true and correct copy of the Rebuttal Expert Report of Nick Molden, dated September 26, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the September 14, 2018 deposition of Dr. Axel Friedrich.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Expert Rebuttal Report of Dr. Axel Friedrich, dated October 26, 2018.

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the transcript of the October 12, 2018 deposition of Nick Molden.

8. Attached hereto as Exhibit 6 is a true and correct copy of answers to questions from the European Parliament directed to Emissions Analytics, dated October 10, 2016, which is also available at http://www.europarl.europa.eu/cmsdata/112676/20160620-EmissionsAnalytics_.pdf.

9. Attached hereto as Exhibit 7 is a true and correct copy of an *Independent* article entitled *Volkswagen Wasn't the Only Company Rigging Emission Levels, Says Expert*, dated September 26, 2015, which is also available at <https://www.independent.co.uk/news/business/news/volkswagen-wasnt-the-only-company-rigging-emission-levels-says-expert-a6668611.html>.

10. Attached hereto as Exhibit 8 is a true and correct copy of a *The Guardian* article entitled *Revealed: Nearly All New Diesel Cars Exceed Official Pollution Limits*, dated April 23, 2016, which is also available at <https://www.theguardian.com/business/2016/apr/23/diesel-cars-pollution-limits-nox-emissions>.

11. Attached hereto as Exhibit 9 is a true and correct copy of an *Automotive World* article entitled *CGON: New hydrogen additive technology slashes engine emissions by up to 80% and increases fuel efficiency by up to 20%*, dated August 23, 2017, which is also

available at <https://www.automotiveworld.com/news-releases/cgon-new-hydrogen-additive-technology-slashes-engine-emissions-80-increases-fuel-efficiency-20/>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of January 2019 in New York, New York.

/s/ Jonathan M. Sedlak
Jonathan M. Sedlak